



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 7652-99

21 January 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: LTCOL [REDACTED], USMC [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 1 Dec 99 w/attachments  
(2) HQMC MMOA-4 memo dtd 7 Jan 00  
(3) HQMC MMPR memo dtd 13 Jan 00  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of lieutenant colonel he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 1999 Lieutenant Colonel Selection Board, vice the FY 2000 Lieutenant Colonel Selection Board. He specifically requested a date of rank and effective date of 1 July 1998.

2. The Board, consisting of Messrs. Morgan, Rothlein, and Zsalman, reviewed Petitioner's allegations of error and injustice on 20 January 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner had a prior case (6380-98) before this Board. A copy of his decisional document is found at Tab A to enclosure (1). After he had failed before the FY 1999 Lieutenant Colonel Selection Board, the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board directed that his fitness report for 1 November 1990 to 20 June 1991 be removed. His failure of selection was later stricken by this Board. He appeared before the FY 2000 Lieutenant Colonel Selection Board with a corrected record,

and was selected for promotion. He was promoted to lieutenant colonel with a date of rank and effective date of 1 May 1999.

c. In correspondence attached as enclosure (2), the HQMC Officer Career Counseling and Evaluation Section, Officer Assignment Branch, Personnel Management Division (MMOA-4), the office with cognizance over the subject matter of this case, has commented to the effect that Petitioner's request has merit and warrants favorable action.

d. In correspondence attached as enclosure (3), the HQMC Promotion Branch (MMPR) has commented to the effect that had Petitioner been selected by the FY 1999 Lieutenant Colonel Selection Board, he would have received a date of rank and effective date of 1 July 1998.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of lieutenant colonel as 1 July 1998; and that his lineal precedence be adjusted accordingly.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

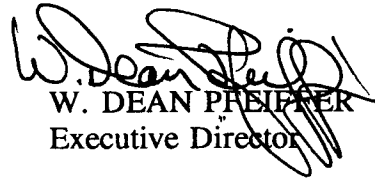
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

*Jonathan S. Ruskin*  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

7652-99  
IN REPLY REFER TO:  
1600  
MMAA-4  
7 Jan 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR PETITION FOR LIEUTENANT COLONEL [REDACTED]  
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of  
Lieutenant Colonel [REDACTED]  
[REDACTED] USMC of 5 Jan 00

1. Recommend approval of Lieutenant Colonel [REDACTED] request for backdating his date of rank.
2. Per the reference, we reviewed Lieutenant Colonel [REDACTED] record and his petition. He failed selection on the FY99 Lieutenant Colonel Selection Board. Subsequently, he successfully petitioned the Performance Evaluation Review Board (PERB) for the removal of the Change of Reporting Senior fitness report for the period of 901101-910620 and the Board for Correction of Naval Records (BCNR) removed his failure of selection. He was selected to Lieutenant Colonel by the FY00 Board. Lieutenant Colonel [REDACTED] requests backdating his date of rank.
3. Due to the removal of the failure of selection and selection on the FY00 Board, we recommend approval of Lieutenant Colonel [REDACTED] request for backdating his date of rank.
4. POC is Maj [REDACTED] a [REDACTED].

[REDACTED]  
Lieutenant Colonel, U. S. Marine Corps  
Head, Officer Career Counseling and  
Evaluation Section  
Officer Assignment Branch  
Personnel Management Division



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
MANPOWER AND RESERVE AFFAIRS DEPARTMENT  
HARRY LEE HALL, 17 LEJEUNE ROAD  
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:  
1412/1  
MMPR  
13 Jan 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF LIEUTENANT COLONEL  
[REDACTED] USMC

1. If Lieutenant Colonel [REDACTED] request for backdating is approved, his date of rank and effective date will be 1 July 1998. This is the date of rank he would have received upon selection from the FY99 USMC Lieutenant Colonel Selection Board.

2. Point of contact is Mrs [REDACTED].

[REDACTED]  
By direction